

REMARKS

Claims 1-16 are pending in the application. New claims 11-16 have been added.

Specification

The Abstract of the Disclosure has been objected to because it contains the word "means."

The Abstract of the Disclosure has been amended to overcome this objection.

The Examiner is respectfully requested to reconsider and withdraw this objection.

Further, minor changes have been made to the specification to place it in better form for U.S. practice.

Claim Rejections – 35 U.S.C. § 112

Claims 9 and 10 have been rejected under 35 U.S.C. § 112, second paragraph, because of some informalities.

The rejected claims have been amended to overcome this rejection.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

Further, minor changes have been made to the pending claims to place them in better form for U.S. practice.

An Embodiment of the Present Invention

An embodiment of the present invention is directed to a device, separate from a stapler, for positioning sheets in the stapler, and adapted to be fastened (and removed from) the stapler.

In the embodiment, an adjustable connection is formed between two parts of the device for positioning, independent of the stapler (stapler + holder + aligning means).

This is fundamentally different from devices where an adjustable connection is formed between the stapler itself and aligning means (stapler + aligning means).

Claim Rejections – 35 U.S.C. § 102

(a) Claims 1-2 and 9-10 have been rejected under 35 U.S.C. § 102(b) as being anticipated by K.M. Vogel (USP 3,209,976). This rejection is respectfully traversed.

Vogel is directed to an adjustable hem pinning implement (col. 1, lines 8-14). The implement has an adjustable gauge means to accurately position the fold of the hem at a predetermined distance from the point at which the pin is applied (col. 1, line 29-32). The implement comprises a housing member having an upper part and an anvil member (col. 2, lines 29-42; Fig. 1). The adjustable gauge member is substantially U-shaped and cooperates with longitudinal slot formed within the anvil member (col. 2, lines 42-45; col. 4, lines 28-34). A pair of outwardly bowed spring arms extend upwardly from a transverse portion of the gauge member and contact the outer sides of the side walls of the upper part of the implement where indentations are provided that serve as predefined positions for the gauge member (col. 4, lines 34-56; Fig. 1).

Applicant respectfully submits that the implement of Vogel is not a stapler, and the gauge means does not serve to position paper sheets. Furthermore, the implement does not function

without the anvil member. The anvil member, however, is not “adapted to be fastened to” the implement, but part of the implement itself.

Claims 2 and 9-10, variously dependent on claim 1, are allowable at least for their dependency on claim 1.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

(b) Claims 1-3 have been rejected under 35 U.S.C. § 102(b) as being anticipated by S.A. Crosby (USP 2,073,958). This rejection is respectfully traversed.

Crosby discloses a stapler, the base of which having a longitudinal slot in its top plate for adjustably receiving a stop and aligning means for stopping and aligning the sheets to be stapled (page 2, col. 1, lines 25-31).

The holder is constituted by the base part of the stapler, which is an indispensable part of the stapler. Crosby merely discloses the holder which is formed at the stapler itself, but fails to disclose or suggest a device “adapted to be fastened to” to the stapler.

Claims 2 and 3, variously dependent on claim 1, are allowable at least for their dependency on claim 1.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

Allowable Subject Matter

Applicant appreciates the Examiner’s indication that claims 4-8 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

However, rather than amending claims 4-8 into independent claim form, new independent claim 12, which includes all of the limitations of claims 1 and 4 have been added.

Further new claims 13-16, which corresponds claims 5-8, respectively, have been added to depend variously from claim 12.

A favorable determination and allowance of claims 12-16 is earnestly solicited.

New Claims

In addition to claims 12-16, new independent claim 11 has been added.

Claim 11 is allowable at least for the similar reasons as stated in the foregoing with respect to claim 1.

More specifically, none of the prior art of record disclose or suggest a holder "adapted to be fastened on the stapler" as recited therein.

A favorable determination by the Examiner and allowance of claim 11 is earnestly solicited.

Conclusion

Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and objections, and allowance of the pending claims are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Maki Hatsumi (#40,417) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

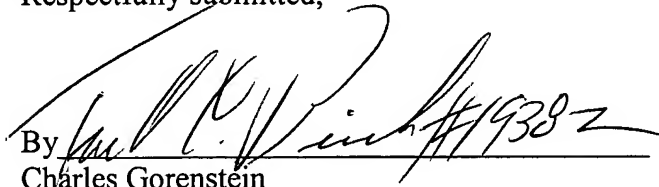
Application No.: 10/505,437
Reply dated October 13, 2005
to Office Action of July 13, 2005
Page 17 of 17

Docket No.: 2360-0418PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or to credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Dated: October 13, 2005

Respectfully submitted,

By #19382

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